
By: **Delegates Hill, Kirk, Harrison, K. Kelly, Moe, McHale, Pendergrass,
Gordon, Love, Donoghue, Krysiak, Proctor, Sher, and Barve**

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Assigned to: Economic Matters

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CHAPTER _____

1 AN ACT concerning

2 **Elevator Safety - Licensing of Elevator Contractors and Mechanics**

3 FOR the purpose of repealing certain provisions authorizing the Commissioner of
4 Labor and Industry to designate special elevator inspectors under certain
5 circumstances; requiring ~~all~~ certain elevator inspections in the State to be done
6 by a State inspector; establishing the Elevator Safety Review Board in the
7 Department of Labor, Licensing, and Regulation; providing that the Board
8 exercises its powers, duties, and functions subject to the authority of the
9 Secretary; providing for the composition, appointment, terms, and compensation
10 of Board members; establishing certain powers and duties of the Board;
11 requiring certain persons to be licensed by the Board as elevator mechanics or
12 elevator contractors before performing certain work on elevators and certain
13 other conveyances in the State; establishing certain education and experience
14 requirements for elevator mechanics and elevator contractors; establishing
15 certain licensing and license renewal requirements for elevator mechanics and
16 elevator contractors; establishing certain examination requirements for elevator
17 mechanics; authorizing the Board to waive certain examination requirements in
18 certain circumstances; authorizing the Board to issue emergency elevator
19 mechanic licenses and temporary elevator mechanic licenses under certain
20 circumstances; authorizing the Board to deny a license to an applicant, refuse to
21 renew a license, reprimand a licensee, suspend or revoke a license, or impose
22 certain penalties under certain circumstances; establishing certain hearing and
23 appeal procedures for elevator mechanics and elevator contractors; requiring
24 that an elevator contractor have certain insurance coverage; prohibiting certain
25 individuals from performing certain installation work, repair and maintenance;
26 providing certain penalties for certain violations; authorizing the Board to
27 impose certain penalties; providing certain criminal penalties; defining certain

1 terms; and generally relating to elevator safety and the licensing of elevator
2 contractors and elevator mechanics.

3 BY repealing and reenacting, with amendments,
4 Article 89 - Miscellaneous Business, Work, and Safety Provisions
5 Section 49B
6 Annotated Code of Maryland
7 (1998 Replacement Volume and 2000 Supplement)

8 BY adding to
9 Article 89 - Miscellaneous Business, Work, and Safety Provisions
10 Section 49C
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 2000 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article 89 - Miscellaneous Business, Work, and Safety Provisions**

16 49B.

17 (a) An elevator, dumbwaiter, escalator or moving walk may not be operated in
18 any building, structure, or place of employment in the State unless a certificate of
19 registration and inspection for the operation thereof is issued by the Commissioner of
20 Labor and Industry, and unless the certificate remains in effect and is kept posted
21 conspicuously in or on the elevator, dumbwaiter, escalator or moving walk.

22 (b) For the purposes of ~~this section AND § 49C OF THIS SUBTITLE:~~

23 (1) "Elevator" means a hoisting or lowering machine equipped with a car
24 or platform which moves in guides in a substantially vertical direction and serves two
25 or more floors of a building or structure, and the term includes dumbwaiters,
26 escalators, and moving walks.

27 (2) "Dumbwaiter" means a hoisting and lowering mechanism equipped
28 with a car of limited capacity and size which moves in guides in a substantially
29 vertical direction and is used exclusively for carrying material.

30 (3) "Escalator" means a power driven, inclined, continuous stairway used
31 for raising and lowering passengers.

32 (4) "Moving walk" means a type of passenger-carrying device on which
33 passengers stand or walk and in which the passenger-carrying surface remains
34 parallel to its direction of motion and is uninterrupted.

1 (5) "Certificate" means a certificate of registration and inspection issued
2 by the Commissioner of Labor and Industry to operate an elevator, dumbwaiter,
3 escalator and moving walk.

4 (6) "Place of employment" means any place an employee or employees
5 are suffered or permitted to work.

6 (7) "New elevator" means any elevator not classified as an existing
7 elevator or any existing elevator moved to a new location subsequent to January 1,
8 1975.

9 (8) "Existing elevator" means an elevator in which all work or
10 installation was completed prior to January 1, 1975.

11 (9) "Alteration" means any change made to an existing elevator other
12 than the repair or replacement of damaged, worn or broken parts necessary for
13 normal operation.

14 (10) "Commissioner" means the Commissioner of Labor and Industry or
15 his authorized representative.

16 (11) "REPAIR" HAS THE MEANING STATED IN THE AMERICAN NATIONAL
17 STANDARD SAFETY CODE FOR ELEVATORS, DUMBWAITERS, ESCALATORS, AND
18 MOVING WALKS.

19 (c) Within 60 days after January 1, 1975, the owner or lessee of every existing
20 elevator shall register with the Commissioner each elevator, dumbwaiter, escalator
21 and moving walk that it owns or operates, giving type, rating load and speed, name of
22 manufacturer, its location and the purpose for which it is used and any other
23 information the Commissioner may require. Registration shall be made on a form to
24 be furnished by the Commissioner. Elevators, dumbwaiters, escalators and moving
25 walks whose erection is begun subsequent to January 1, 1975, shall be registered
26 within ten days after they are completed and before placed in service.

27 (d) All new and existing elevators, dumbwaiters, escalators, and moving walks
28 shall be inspected, tested and maintained in a safe operating condition in accordance
29 with the American National Standard Safety Code for elevators, dumbwaiters,
30 escalators, and moving walks, known as ANSI A17.1-1971, and all subsequent
31 amendments and revisions to it, as adopted by the Commissioner, and any rules and
32 regulations as may be adopted by the Commissioner. However, any elevator,
33 dumbwaiter, escalator, and moving walk installed before July 1, 1955 may be used
34 without being altered or rebuilt to comply with the requirements of the ANSI Code, as
35 adopted by the Commissioner. However, all elevators shall be equipped with standard
36 hoistway entrance protection, and all passenger elevators of more than 100 feet per
37 minute contract speed shall be provided with car doors or gates which meet the
38 requirements of the ANSI Code A17.1-1971 and all subsequent amendments and
39 revisions to it, as adopted by the Commissioner. Notwithstanding the foregoing, all
40 elevators, dumbwaiters, escalators, and moving walks installed before July 1, 1955
41 shall be maintained in a safe operating condition so as not to create a substantial

1 probability of serious physical harm or death and shall be subject to inspections and
2 tests as required.

3 All alterations and relocations of elevators, dumbwaiters, escalators, and
4 moving walks, installed subsequent to January 1, 1975, shall meet the requirements
5 of the ANSI Code A17.1-1971 and all subsequent amendments and revisions to it, as
6 adopted by the Commissioner.

7 (e) The Commissioner shall administer and enforce the provisions of this
8 section and shall prescribe rules and regulations that conform generally to ANSI Code
9 A17.1-1971 and all subsequent amendments and revisions to it. If necessary to fulfill
10 the Commissioner's responsibilities under this section, the Commissioner shall adopt
11 regulations that amend standards set forth in ANSI Code A17.1-1971 and all
12 subsequent amendments and revisions to it, and prescribe other rules and
13 regulations. The rules and regulations shall be consistent with the requirements of
14 Article 83B, § 6-503 of the Code.

15 (f) When an inspection discloses that an elevator is in unsafe condition so that
16 its continued operation will violate any rule, regulation, standard or Code
17 promulgated and issued under this section, citation and penalties may be issued in
18 accordance with §§ 5-212 and 5-213 of the Labor and Employment Article.

19 (g) The Commissioner, upon written request, may grant exceptions from the
20 literal requirements or permit the use of other devices or methods than those
21 specified under ANSI Code A17.1-1971 and all subsequent amendments and
22 revisions to it, as adopted by the Commissioner, and rules and regulations adopted
23 where it is evident that action is necessary to prevent undue hardship or where
24 existing conditions prevent practical compliance and reasonable safety can in the
25 opinion of the Commissioner be secured.

26 (h) If after inspection or testing of any elevator, dumbwaiter, escalator or
27 moving walk the Commissioner or authorized representative of the Commissioner
28 determines that any elevator, dumbwaiter, escalator or moving walk is in violation of
29 any standard or safety code promulgated under this subtitle, and that there is a
30 substantial probability that death or serious physical harm could result from its
31 continued use, action shall be taken in accordance with § 5-210 of the Labor and
32 Employment Article.

33 (i) If an inspection discloses that an elevator, dumbwaiter, escalator, or
34 moving walk complies with the applicable safety code, as adopted by the
35 Commissioner, and the rules and regulations of the Commissioner, the Commissioner
36 shall issue to the owner or lessee thereof a certificate of registration and inspection.
37 The certificate shall be valid for not more than one year from date of issuance. The
38 certificate, when issued, shall be posted in or on the elevator, dumbwaiter, escalator,
39 or moving walk.

40 (j) The cost of administering this section is provided for under § 5-204 of the
41 Labor and Employment Article.

1 (k) In addition to provisions enumerated in subsections (f) and (j) of this
2 section, §§ 5-205(j), 5-207, 5-214, 5-215, and 5-216 and Title 5, Subtitle 8 of the
3 Labor and Employment Article are applicable to this section.

4 (l) The Commissioner may assign duties and functions imposed by this
5 section to the chief elevator inspector.

6 (m) [(1) On request of an authorized insurer for elevators in the State, the
7 Commissioner may designate, as a special elevator inspector, an employee of the
8 insurer who is qualified to inspect elevators. A special elevator inspector is not
9 entitled to compensation or reimbursement for expenses from the State.

10 (2) The Commissioner shall define, by regulation:

11 (i) The authority of a special elevator inspector; and

12 (ii) Procedures to report about an inspection to the Commissioner.]

13 ~~ALL ELEVATOR INSPECTIONS IN THE STATE~~ REQUIRED BY THIS SUBTITLE
14 SHALL BE DONE BY A STATE INSPECTOR.

15 (n) Notwithstanding any provisions of this section, the Commissioner shall
16 accept certificates of inspection from any political subdivision or municipal
17 corporation in lieu of certificates of registration and inspection as required by this
18 section.

19 (o) Nothing in this section may be construed to apply to any existing or new
20 elevator, escalator, moving walk or dumbwaiter installed in a privately owned
21 single-family residential dwelling.

22 (p) Every passenger elevator in a permanent installation used by the public
23 shall have a sign reading "Warning - Elevators shall not be used in event of fire - Use
24 marked exit stairways" posted at the entrance to the elevator shaft on every floor. The
25 sign shall be posted directly above the call button. A similar sign shall be posted
26 within the elevator cabin. The tops of these signs shall not be more than 6 feet above
27 the floor and the lettering in the word "warning" shall be at least three-eighths inch
28 and the rest of the lettering shall be at least one-fourth inch.

29 (q) (1) Any new building constructed after July 1, 1985, in which at least
30 one elevator is planned, shall have a passenger elevator that can accommodate a
31 horizontally carried and positioned 6 foot 8 inch rescue litter.

32 (2) This subsection does not apply to one or two family dwellings or to
33 buildings under 3 stories.

34 (3) For purposes of the subsection, repair, renovation, modification,
35 reconstruction, change of occupancy, and addition to an existing building as defined in
36 Article 83B, Title 6, Subtitle 5 of the Code may not be considered to constitute a new
37 building.

1 49C.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "BOARD" MEANS THE ELEVATOR SAFETY REVIEW BOARD.

5 (3) (I) "ELEVATOR APPRENTICE" MEANS A PERSON WHO WORKS
6 UNDER THE DIRECT SUPERVISION OF A LICENSED ELEVATOR MECHANIC.

7 (II) "ELEVATOR APPRENTICE" INCLUDES A PERSON COMMONLY
8 KNOWN AS AN ELEVATOR HELPER WHILE WORKING UNDER THE DIRECT
9 SUPERVISION OF A LICENSED ELEVATOR MECHANIC.

10 (3) (4) "ELEVATOR CONTRACTOR" MEANS A PERSON WHO IS ENGAGED
11 IN THE BUSINESS OF ERECTING, CONSTRUCTING, WIRING, ALTERING, REPLACING,
12 MAINTAINING, REPAIRING, DISMANTLING, OR SERVICING ELEVATORS,
13 DUMBWAITERS, ESCALATORS, AND MOVING WALKS.

14 (4) (5) "ELEVATOR MECHANIC" MEANS A PERSON WHO IS ENGAGED IN
15 ERECTING, CONSTRUCTING, WIRING, ALTERING, REPLACING, MAINTAINING,
16 REPAIRING, DISMANTLING, OR SERVICING ELEVATORS, DUMBWAITERS,
17 ESCALATORS, AND MOVING WALKS.

18 (5) (6) "LICENSE" INCLUDES:

19 (I) AN ELEVATOR CONTRACTOR LICENSE; AND

20 (II) AN ELEVATOR MECHANIC LICENSE.

21 (B) (1) THERE IS AN ELEVATOR SAFETY REVIEW BOARD IN THE
22 DEPARTMENT OF LABOR, LICENSING, AND REGULATION.

23 (2) THE BOARD EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS
24 SUBJECT TO THE AUTHORITY OF THE SECRETARY.

25 (C) (1) THE BOARD SHALL CONSIST OF NINE MEMBERS.

26 (2) OF THE NINE MEMBERS OF THE BOARD:

27 (I) ONE SHALL BE THE COMMISSIONER OF LABOR AND INDUSTRY
28 OR DESIGNEE OF THE COMMISSIONER, AS AN EX OFFICIO MEMBER;

29 (II) ONE SHALL REPRESENT A MAJOR ELEVATOR MANUFACTURING
30 COMPANY OR ITS AUTHORIZED REPRESENTATIVE;

31 (III) ONE SHALL REPRESENT AN ELEVATOR SERVICING COMPANY;

32 (IV) ONE SHALL REPRESENT THE ARCHITECTURAL DESIGN
33 PROFESSION;

1 (V) ONE SHALL REPRESENT A MUNICIPAL CORPORATION IN THE
2 STATE;

3 (VI) ONE SHALL REPRESENT A BUILDING OWNER OR MANAGER;

4 (VII) ONE SHALL REPRESENT LABOR INVOLVED IN THE
5 INSTALLATION, MAINTENANCE, AND REPAIR OF ELEVATORS; AND

6 (VIII) TWO SHALL BE MEMBERS OF THE GENERAL PUBLIC.

7 (3) EXCEPT FOR THE EX OFFICIO MEMBER, THE GOVERNOR SHALL
8 APPOINT THE MEMBERS OF THE BOARD WITH THE ADVICE OF THE SECRETARY OF
9 LABOR, LICENSING, AND REGULATION AND WITH THE ADVICE AND CONSENT OF THE
10 SENATE.

11 (4) (I) EXCEPT FOR THE EX OFFICIO MEMBER, THE TERM OF A
12 MEMBER IS 3 YEARS.

13 (II) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE
14 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

15 (III) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
16 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED
17 AND QUALIFIES.

18 (D) (1) FROM AMONG THE BOARD MEMBERS, THE GOVERNOR SHALL
19 APPOINT A CHAIRMAN.

20 (2) THE CHAIRMAN SHALL BE THE DECIDING VOTE IN THE EVENT OF A
21 TIE VOTE.

22 (E) (1) ~~THE BOARD SHALL MEET:~~

23 ~~(1) REGULARLY QUARTERLY; AND~~

24 ~~(2) AT OTHER TIMES AS NECESSARY~~ THE BOARD SHALL MEET AT
25 LEAST ONCE EACH CALENDAR QUARTER, AT THE TIMES AND PLACES THAT THE
26 BOARD DETERMINES.

27 (2) SPECIAL MEETINGS OF THE BOARD MAY BE HELD AS THE BOARD
28 PROVIDES IN ITS REGULATIONS.

29 ~~(3) THE BOARD SHALL DETERMINE THE PLACES OF ITS MEETINGS.~~

30 (F) A MEMBER OF THE BOARD:

31 (1) MAY NOT RECEIVE COMPENSATION; BUT

32 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
33 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

1 (G) (1) THE BOARD MAY CONSULT WITH ENGINEERING AUTHORITIES AND
2 ORGANIZATIONS CONCERNED WITH STANDARD SAFETY ~~CODES~~, CODES REGARDING:

3 (I) RULES, AND REGULATIONS GOVERNING THE OPERATION,
4 MAINTENANCE, SERVICING, CONSTRUCTION, ALTERATION, INSTALLATION, AND
5 INSPECTION OF ELEVATORS, DUMBWAITERS, ESCALATORS, AND MOVING ~~WALKS~~,
6 WALKS; AND ~~THE~~

7 (II) QUALIFICATIONS THAT ARE ADEQUATE, REASONABLE, AND
8 NECESSARY FOR THE ELEVATOR MECHANIC AND ELEVATOR CONTRACTOR.

9 (2) THE BOARD MAY RECOMMEND ~~THE AMENDMENTS OF~~ APPLICABLE
10 LEGISLATION, WHEN APPROPRIATE.

11 (3) (I) THE BOARD SHALL ESTABLISH FEES FOR THE APPLICATION,
12 ISSUANCE, AND RENEWAL OF LICENSES ISSUED UNDER THIS SECTION.

13 (II) ~~THE FEES SHALL REFLECT THE ACTUAL COSTS AND EXPENSES~~
14 ~~TO CONDUCT THE DUTIES OF THE BOARD AS DESCRIBED IN THIS SECTION~~ THE
15 TOTAL AMOUNT OF FEES IN SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT
16 EXCEED \$100 PER YEAR FOR AN ELEVATOR MECHANIC AND \$150 PER YEAR FOR AN
17 ELEVATOR CONTRACTOR, WHICH MAY BE COLLECTED FOR THE 2-YEAR PERIOD OF
18 THE LICENSE.

19 (4) THE BOARD MAY ADOPT ANY BYLAW FOR THE CONDUCT OF THE
20 PROCEEDINGS OF THE BOARD, AND ANY REGULATION TO CARRY OUT THIS
21 SUBTITLE.

22 (H) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON
23 SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR MECHANIC BEFORE THE
24 PERSON ERECTS, CONSTRUCTS, WIRES, ALTERS, REPLACES, MAINTAINS, REPAIRS,
25 DISMANTLES, OR SERVICES ELEVATORS, DUMBWAITERS, ESCALATORS, AND MOVING
26 WALKS IN THE STATE.

27 (2) (I) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON
28 SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR CONTRACTOR BEFORE THE
29 PERSON ENGAGES IN THE BUSINESS OF ERECTING, CONSTRUCTING, WIRING,
30 ALTERING, REPLACING, MAINTAINING, REPAIRING, DISMANTLING, OR SERVICING
31 ELEVATORS, DUMBWAITERS, ESCALATORS, AND MOVING WALKS IN THE STATE.

32 (II) A LICENSED ELEVATOR CONTRACTOR IS NOT REQUIRED FOR
33 REMOVING OR DISMANTLING CONVEYANCES THAT ARE DESTROYED AS A RESULT OF
34 A COMPLETE DEMOLITION OF A BUILDING OR WHERE THE HOISTWAY OR WELLWAY
35 IS DEMOLISHED BACK TO THE ~~BASIS~~ BASIC SUPPORT STRUCTURE.

36 (3) A LICENSE IS NOT REQUIRED FOR AN ELEVATOR APPRENTICE.

37 (I) (1) AN APPLICANT FOR AN ELEVATOR MECHANIC LICENSE SHALL:

1 (I) ~~1-~~ HAVE AN ACCEPTABLE COMBINATION OF DOCUMENTED
 2 EXPERIENCE AND EDUCATION CREDITS, WITH AT LEAST 3 YEARS OF RECENT AND
 3 ACTIVE WORK EXPERIENCE IN THE ELEVATOR INDUSTRY, IN CONSTRUCTION,
 4 MAINTENANCE, AND SERVICE/REPAIR, AS VERIFIED BY CURRENT AND PREVIOUS
 5 EMPLOYERS LICENSED TO DO BUSINESS IN THE STATE AND SATISFACTORILY
 6 COMPLETE A WRITTEN EXAMINATION ADMINISTERED BY THE BOARD ON THE MOST
 7 RECENT REFERENCED CODES AND STANDARDS;

8 ~~2-~~ (II) UPON COMPLETION OF 3 YEARS OF WORK
 9 EXPERIENCE AS PROVIDED IN ITEM (I) OF THIS PARAGRAPH, HAVE A CERTIFICATE OF
 10 COMPLETION OF THE MECHANIC EXAMINATION OF A NATIONALLY RECOGNIZED
 11 TRAINING PROGRAM FOR THE ELEVATOR INDUSTRY SUCH AS THE NATIONAL
 12 ELEVATOR INDUSTRY EDUCATIONAL PROGRAM OR ITS EQUIVALENT; OR

13 ~~3-~~ (III) HAVE A CERTIFICATE OF COMPLETION OF AN
 14 APPRENTICESHIP PROGRAM FOR ELEVATOR MECHANICS, WITH STANDARDS
 15 SUBSTANTIALLY EQUAL TO THOSE OF THIS SECTION AND REGISTERED WITH THE
 16 BUREAU OF APPRENTICESHIP AND TRAINING, U.S. DEPARTMENT OF LABOR, OR A
 17 STATE APPRENTICESHIP COUNCIL; ~~AND~~

18 ~~(H) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~
 19 ~~SATISFACTORILY COMPLETE A WRITTEN EXAMINATION ADMINISTERED BY THE~~
 20 ~~BOARD ON THE MOST RECENT REFERENCED CODES AND STANDARDS.~~

21 (2) AN APPLICANT WHO PROVIDES THE BOARD WITH ACCEPTABLE
 22 PROOF THAT THE APPLICANT HAS WORKED AS AN ELEVATOR CONTRACTOR; OR
 23 MAINTENANCE OR REPAIR PERSON IS ENTITLED TO A LICENSE WITHOUT
 24 EXAMINATION IF THE APPLICANT:

25 (I) ~~HAS WORKED WITHOUT DIRECT AND IMMEDIATE SUPERVISION~~
 26 ~~FOR A LICENSED ELEVATOR CONTRACTOR FOR AT LEAST 3 YEARS IMMEDIATELY~~
 27 ~~BEFORE APPLYING FOR THE LICENSE POSSESSES SUFFICIENT ABILITY AND SKILL~~
 28 AND A MINIMUM OF 3 YEARS OF EXPERIENCE THAT IS ACCEPTABLE TO THE BOARD;
 29 AND

30 (II) APPLIES FOR THE LICENSE ~~WITHIN 1 YEAR OF THE EFFECTIVE~~
 31 ~~DATE OF THIS SECTION~~ ON OR BEFORE SEPTEMBER 30, 2002.

32 (3) ~~AN APPLICANT FOR AN ELEVATOR CONTRACTOR LICENSE SHALL~~
 33 ~~HAVE AT LEAST 5 YEARS OF WORK EXPERIENCE IN THE ELEVATOR INDUSTRY IN~~
 34 ~~CONSTRUCTION, MAINTENANCE, SERVICE, OR REPAIR.~~

35 (J) (1) AN APPLICANT FOR ~~A~~ AN ELEVATOR CONTRACTOR LICENSE SHALL:

36 (I) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT
 37 THE BOARD PROVIDES;

38 (II) SUBMIT TO THE BOARD;

1 1. DOCUMENTATION OF AT LEAST 5 YEARS OF WORK
2 EXPERIENCE IN THE ELEVATOR INDUSTRY IN CONSTRUCTION, MAINTENANCE,
3 SERVICE, OR REPAIR; AND

4 2. ANY OTHER PROOF OF ELIGIBILITY THE BOARD
5 REQUIRES; AND

6 (III) PAY TO THE BOARD OR A DESIGNEE OF THE BOARD, A
7 NONREFUNDABLE AN APPLICATION FEE SET BY THE BOARD.

8 (2) EACH APPLICATION SHALL CONTAIN THE FOLLOWING
9 INFORMATION:

10 (I) IF AN INDIVIDUAL, THE NAME, RESIDENCE, AND BUSINESS
11 ADDRESS OF THE APPLICANT;

12 (II) IF A PARTNERSHIP, THE NAME, RESIDENCE, AND BUSINESS
13 ADDRESS OF EACH PARTNER;

14 (III) IF A DOMESTIC CORPORATION, THE NAME AND BUSINESS
15 ADDRESS OF THE CORPORATION AND THE NAME AND RESIDENCE ADDRESS OF THE
16 PRINCIPAL OFFICER OF THE CORPORATION AND IF A CORPORATION OTHER THAN A
17 DOMESTIC CORPORATION, THE NAME AND ADDRESS OF AN AGENT LOCATED
18 LOCALLY WHO SHALL BE AUTHORIZED TO ACCEPT SERVICE OF PROCESS;

19 (IV) THE NUMBER OF YEARS THE APPLICANT HAS ENGAGED IN THE
20 BUSINESS OF INSTALLING, ALTERING, REPAIRING, OR SERVICING ELEVATORS;

21 (V) THE APPROXIMATE NUMBER OF INDIVIDUALS, IF ANY, TO BE
22 EMPLOYED BY THE ELEVATOR CONTRACTOR APPLICANT, AND IF APPLICABLE,
23 SATISFACTORY EVIDENCE THAT THE EMPLOYEES ARE OR WILL BE COVERED BY
24 WORKERS' COMPENSATION INSURANCE;

25 (VI) SATISFACTORY EVIDENCE THAT THE APPLICANT IS OR WILL BE
26 COVERED BY GENERAL LIABILITY, PERSONAL INJURY, AND PROPERTY DAMAGE
27 INSURANCE; AND

28 (VII) ~~CRIMINAL RECORD OF CONVICTIONS, IF ANY, AS VERIFIED BY~~
29 ~~THE DEPARTMENT OF STATE POLICE; AND~~

30 ~~(VIII)~~ ANY OTHER INFORMATION THAT THE BOARD REQUIRES.

31 (K) (1) AN APPLICANT WHO OTHERWISE QUALIFIES FOR ~~A~~ AN ELEVATOR
32 MECHANIC LICENSE IS ENTITLED TO BE EXAMINED AS PROVIDED IN THIS
33 SUBSECTION UPON PAYMENT OF AN EXAMINATION FEE TO THE BOARD OR BOARD'S
34 DESIGNEE.

35 (2) THE BOARD PERIODICALLY SHALL GIVE EXAMINATIONS TO
36 APPLICANTS AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.

1 (3) THE BOARD SHALL GIVE EACH QUALIFIED APPLICANT NOTICE OF
2 THE TIME AND PLACE OF EXAMINATION.

3 (4) THE BOARD SHALL DETERMINE THE CONTENT, FEE, SCOPE, AND
4 PASSING SCORE FOR EXAMINATIONS GIVEN UNDER THIS SUBSECTION.

5 (5) (I) THE BOARD MAY USE A TESTING SERVICE TO ADMINISTER THE
6 EXAMINATIONS REQUIRED UNDER THIS SUBSECTION.

7 (II) IF THE BOARD USES A TESTING SERVICE UNDER THIS
8 SUBSECTION, THE TESTING SERVICE, SUBJECT TO REQUIREMENTS SET BY THE
9 BOARD, MAY:

10 1. SET THE TIMES AND PLACES OF THE EXAMINATIONS;

11 2. PROVIDE NOTICE OF THE TIMES AND PLACES OF
12 EXAMINATIONS TO THE APPLICANTS; AND

13 3. PROVIDE ANY OTHER INFORMATION THAT THE BOARD
14 MAY REQUIRE THE TESTING SERVICE TO PROVIDE.

15 (6) THE BOARD OR A DESIGNEE OF THE BOARD SHALL PROVIDE TO THE
16 APPLICANT NOTICE OF THE APPLICANT'S EXAMINATION RESULT.

17 (L) (1) SUBJECT TO THE LIMITATIONS OF THIS SUBSECTION, THE BOARD
18 MAY WAIVE THE EXAMINATION REQUIREMENTS OF THIS SECTION FOR AN
19 INDIVIDUAL WHO IS LICENSED TO PERFORM ELEVATOR INSTALLATION,
20 ALTERATION, REPAIR, OR SERVICE WORK IN ANOTHER STATE OR A SUBDIVISION OF
21 ANOTHER STATE.

22 (2) THE BOARD MAY GRANT A WAIVER UNDER THIS SUBSECTION ONLY
23 IF THE APPLICANT:

24 (I) PAYS TO THE BOARD THE APPROPRIATE APPLICATION FEE
25 REQUIRED BY THIS SECTION; AND

26 (II) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

27 1. MEETS THE QUALIFICATIONS OTHERWISE REQUIRED BY
28 THIS SECTION;

29 2. HOLDS AN ACTIVE LICENSE IN GOOD STANDING IN THE
30 OTHER STATE OR SUBDIVISION THAT IS EQUIVALENT TO A LICENSE IN THIS STATE;
31 AND

32 3. BECAME LICENSED IN THE OTHER STATE OR
33 SUBDIVISION AFTER PASSING AN EXAMINATION THAT IS SIMILAR TO THE
34 EXAMINATION FOR WHICH THE APPLICANT IS SEEKING THE WAIVER.

35 (3) THE BOARD MAY GRANT A WAIVER ONLY IF THE STATE OR
36 SUBDIVISION IN WHICH THE APPLICANT IS LICENSED WAIVES THE EXAMINATION OF

1 LICENSEES OF THIS STATE TO A SIMILAR EXTENT AS THIS STATE WAIVES THE
2 EXAMINATION REQUIREMENTS FOR INDIVIDUALS LICENSED IN THAT STATE OR
3 SUBDIVISION.

4 (M) (1) IF AN APPLICANT QUALIFIES FOR A LICENSE UNDER THIS SECTION,
5 THE BOARD SHALL SEND THE APPLICANT A NOTICE THAT STATES:

6 (I) THE APPLICANT HAS QUALIFIED FOR A LICENSE; AND

7 (II) ON RECEIPT OF A LICENSE FEE SET BY THE BOARD, THE BOARD
8 SHALL ISSUE A LICENSE TO THE APPLICANT.

9 (2) ON PAYMENT OF THE LICENSE FEE, THE BOARD SHALL ISSUE A
10 LICENSE TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SECTION.

11 (N) (1) WHILE AN ELEVATOR MECHANIC LICENSE IS IN EFFECT, IT
12 AUTHORIZES THE LICENSEE TO ERECT, CONSTRUCT, WIRE, ALTER, REPLACE,
13 MAINTAIN, REPAIR, DISMANTLE, OR SERVICE ELEVATORS, DUMBWAITERS,
14 ESCALATORS, AND MOVING WALKS UNDER THE DIRECT SUPERVISION OF A
15 LICENSED ELEVATOR CONTRACTOR.

16 (2) WHILE AN ELEVATOR CONTRACTOR LICENSE IS IN EFFECT, IT
17 AUTHORIZES THE LICENSEE TO ENGAGE IN THE BUSINESS OF ERECTING,
18 CONSTRUCTING, WIRING, ALTERING, REPLACING, MAINTAINING, REPAIRING,
19 DISMANTLING, OR SERVICING ELEVATORS, DUMBWAITERS, ESCALATORS, AND
20 MOVING WALKS.

21 (O) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, UNLESS THE
22 LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED IN THIS SUBSECTION, A
23 LICENSE EXPIRES ON THE SECOND ANNIVERSARY OF ITS EFFECTIVE DATE.

24 (2) THE SECRETARY OF LABOR, LICENSING, AND REGULATION MAY
25 DETERMINE THAT LICENSES ISSUED UNDER THIS SECTION SHALL EXPIRE ON A
26 STAGGERED BASIS.

27 (3) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL
28 MAIL TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE LICENSEE:

29 (I) A RENEWAL APPLICATION FORM; AND

30 (II) A NOTICE THAT STATES:

31 1. THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

32 2. THE DATE BY WHICH THE BOARD MUST RECEIVE THE
33 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE
34 LICENSE EXPIRES; AND

35 3. THE AMOUNT OF THE RENEWAL FEE.

1 (4) BEFORE THE LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY
2 RENEW THE LICENSE FOR AN ADDITIONAL 2-YEAR TERM IF THE LICENSEE:

3 (I) OTHERWISE IS ENTITLED TO BE LICENSED;

4 (II) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND

5 (III) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE
6 FORM THAT THE BOARD PROVIDES.

7 (5) THE BOARD SHALL ADOPT REGULATIONS:

8 (I) TO REQUIRE A DEMONSTRATION OF CONTINUING
9 PROFESSIONAL COMPETENCY FOR A LICENSEE AS A CONDITION OF RENEWAL OF A
10 LICENSE UNDER THIS SUBSECTION;

11 (II) TO ESTABLISH CRITERIA FOR CONTINUING EDUCATION
12 PROVIDERS;

13 (III) TO PROVIDE FOR A TEMPORARY WAIVER OF CONTINUING
14 EDUCATION UNDER SPECIFIED CIRCUMSTANCES; AND

15 (IV) TO SET RECORD KEEPING CRITERIA FOR APPROVED TRAINING
16 PROVIDERS.

17 (6) THE BOARD SHALL RENEW THE LICENSE OF AND ISSUE A RENEWAL
18 CERTIFICATE TO EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS
19 SUBSECTION.

20 (P) (1) WHENEVER AN EMERGENCY EXISTS IN THE STATE DUE TO
21 DISASTER, ACT OF GOD, OR WORK STOPPAGE AND THE NUMBER OF INDIVIDUALS IN
22 THE STATE HOLDING LICENSES ISSUED BY THE BOARD IS INSUFFICIENT TO COPE
23 WITH THE EMERGENCY, THE LICENSED ELEVATOR CONTRACTOR SHALL RESPOND AS
24 NECESSARY TO ENSURE THE SAFETY OF THE PUBLIC.

25 (2) ANY INDIVIDUAL CERTIFIED BY A LICENSED ELEVATOR
26 CONTRACTOR TO HAVE AN ACCEPTABLE COMBINATION OF DOCUMENTED
27 EXPERIENCE AND EDUCATION TO PERFORM ELEVATOR WORK WITHOUT DIRECT AND
28 IMMEDIATE SUPERVISION SHALL SEEK AN EMERGENCY ELEVATOR MECHANIC
29 LICENSE FROM THE BOARD WITHIN 5 BUSINESS DAYS AFTER BEGINNING WORK
30 REQUIRING A LICENSE.

31 (3) THE BOARD SHALL ISSUE EMERGENCY ELEVATOR MECHANIC
32 LICENSES.

33 (4) THE LICENSED ELEVATOR CONTRACTOR SHALL PROVIDE PROOF OF
34 COMPETENCY AS THE BOARD MAY REQUIRE.

35 (5) EACH EMERGENCY ELEVATOR MECHANIC LICENSE IS VALID FOR A
36 PERIOD OF 30 DAYS FOR PARTICULAR ELEVATORS OR GEOGRAPHICAL AREAS AS THE

1 BOARD DESIGNATES AND ENTITLES THE LICENSEE TO THE RIGHTS AND PRIVILEGES
2 OF AN ELEVATOR MECHANIC LICENSE ISSUED UNDER THIS SECTION.

3 (6) THE BOARD SHALL RENEW AN EMERGENCY ELEVATOR MECHANIC
4 LICENSE DURING THE EXISTENCE OF AN EMERGENCY.

5 (7) THE BOARD MAY NOT CHARGE A FEE FOR THE ISSUANCE OR
6 RENEWAL OF AN EMERGENCY ELEVATOR MECHANIC LICENSE.

7 (Q) (1) A LICENSED ELEVATOR CONTRACTOR SHALL NOTIFY THE BOARD
8 WHEN THERE ARE NO LICENSED PERSONNEL AVAILABLE TO PERFORM ELEVATOR
9 WORK.

10 (2) THE LICENSED ELEVATOR CONTRACTOR MAY REQUEST THE BOARD
11 TO ISSUE TEMPORARY ELEVATOR MECHANIC LICENSES TO INDIVIDUALS CERTIFIED
12 BY THE LICENSED ELEVATOR CONTRACTOR TO HAVE AN ACCEPTABLE
13 COMBINATION OF DOCUMENTED EXPERIENCE AND EDUCATION TO PERFORM
14 ELEVATOR WORK WITHOUT DIRECT AND IMMEDIATE SUPERVISION.

15 (3) ANY INDIVIDUAL CERTIFIED BY A LICENSED ELEVATOR
16 CONTRACTOR TO HAVE AN ACCEPTABLE COMBINATION OF DOCUMENTED
17 EXPERIENCE AND EDUCATION TO PERFORM ELEVATOR WORK WITHOUT DIRECT AND
18 IMMEDIATE SUPERVISION SHALL IMMEDIATELY SEEK A TEMPORARY ELEVATOR
19 MECHANIC LICENSE FROM THE BOARD AND SHALL PAY THE FEE THAT THE BOARD
20 DETERMINES.

21 (4) EACH TEMPORARY ELEVATOR MECHANIC LICENSE IS VALID FOR A
22 PERIOD OF 30 DAYS WHILE THE LICENSEE IS EMPLOYED BY THE LICENSED
23 ELEVATOR CONTRACTOR THAT CERTIFIED THE LICENSEE AS QUALIFIED.

24 (5) A TEMPORARY ELEVATOR MECHANIC LICENSE MAY BE RENEWED AS
25 LONG AS THE SHORTAGE OF LICENSE HOLDERS CONTINUES.

26 (R) (1) SUBJECT TO THE HEARING PROVISIONS OF SUBSECTION (S) OF THIS
27 SECTION, THE BOARD MAY DENY A LICENSE TO AN APPLICANT, REFUSE TO RENEW A
28 LICENSE, REPRIMAND A LICENSEE, SUSPEND OR REVOKE A LICENSE, OR IMPOSE A
29 CIVIL PENALTY NOT TO EXCEED \$1,000 IF THE BOARD FINDS THAT THE APPLICANT
30 OR LICENSEE:

31 (+) (I) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
32 OBTAIN A LICENSE;

33 (±) (II) FAILS TO NOTIFY THE BOARD OR THE OWNER OR LESSEE OF AN
34 ELEVATOR OR RELATED MECHANISM OF ANY CONDITION NOT IN COMPLIANCE WITH
35 § 49B OF THIS SUBTITLE; ~~OR~~

36 (⇒) (III) VIOLATES ANY PROVISION OF THIS SECTION OR § 49B OF THIS
37 SUBTITLE;

1 (IV) TRANSFERS THE AUTHORITY GRANTED BY THE LICENSE TO
2 ANOTHER PERSON;

3 (V) INSTALLS, REPAIRS, OR MAINTAINS AN ELEVATOR OR ASSISTS
4 IN THE INSTALLATION, REPAIR, OR MAINTENANCE OF AN ELEVATOR IN A
5 NEGLIGENT OR CARELESS MANNER; OR

6 (VI) WILLFULLY OR DELIBERATELY DISREGARDS AND VIOLATES
7 BUILDING CODES, ELECTRICAL CODES, OR CONSTRUCTION LAWS OF THE STATE OR
8 OF ANY COUNTY OR MUNICIPAL CORPORATION OF THE STATE.

9 (2) IN DETERMINING THE APPROPRIATE PENALTY TO BE IMPOSED
10 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD SHALL CONSIDER:

11 (I) THE GRAVITY OF THE VIOLATION;

12 (II) THE GOOD FAITH OF THE VIOLATOR;

13 (III) THE QUANTITY AND GRAVITY OF PREVIOUS VIOLATIONS BY
14 THE SAME VIOLATOR;

15 (IV) THE HARM CAUSED TO THE COMPLAINANT, THE PUBLIC, AND
16 THE ELEVATOR MECHANIC PROFESSION;

17 (V) THE ASSETS OF THE VIOLATOR; AND

18 (VI) ANY OTHER FACTORS THAT THE BOARD CONSIDERS RELEVANT.

19 (S) (1) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 2 OF THE
20 STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION
21 UNDER THIS SECTION, THE BOARD SHALL GIVE THE INDIVIDUAL AGAINST WHOM
22 THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE
23 BOARD.

24 (2) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
25 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

26 (T) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A
27 CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE,
28 MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE STATE
29 GOVERNMENT ARTICLE.

30 (U) (1) AN ELEVATOR CONTRACTOR MAY NOT ENGAGE IN THE BUSINESS OF
31 ELEVATOR INSTALLATION, ALTERATION, REPAIR, OR SERVICE WORK UNLESS THE
32 WORK OF THE ELEVATOR CONTRACTOR IS COVERED BY:

33 (I) GENERAL LIABILITY INSURANCE IN THE AMOUNT OF AT LEAST
34 \$1,000,000; AND

35 (II) PROPERTY DAMAGE INSURANCE IN THE AMOUNT OF AT LEAST
36 \$500,000.

1 (2) AN APPLICANT FOR AN ELEVATOR CONTRACTOR LICENSE SHALL
2 SUBMIT PROOF OF THE INSURANCE REQUIRED UNDER THIS SUBSECTION TO THE
3 BOARD WITH THE LICENSE APPLICATION.

4 (3) UNLESS A LICENSEE MEETS THE INSURANCE REQUIREMENTS OF
5 THIS SECTION, THE BOARD MAY NOT RENEW THE LICENSE OF A LICENSEE TO WHOM
6 THE INSURANCE REQUIREMENTS OF THIS SUBSECTION APPLY.

7 (4) A LICENSED ELEVATOR CONTRACTOR SHALL GIVE THE BOARD
8 NOTICE OF THE CANCELLATION OF INSURANCE AT LEAST 10 DAYS BEFORE THE
9 EFFECTIVE DATE OF THE CANCELLATION.

10 (V) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN
11 INDIVIDUAL MAY NOT PERFORM, ATTEMPT TO PERFORM, OR OFFER TO PERFORM
12 ELEVATOR INSTALLATION, REPAIR, OR MAINTENANCE WORK IN THE STATE UNLESS
13 LICENSED BY THE BOARD.

14 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN
15 INDIVIDUAL MAY NOT ASSIST, ATTEMPT TO ASSIST, OR OFFER TO ASSIST IN
16 PERFORMING ELEVATOR INSTALLATION, REPAIR, OR MAINTENANCE WORK IN THE
17 STATE UNLESS LICENSED BY THE BOARD.

18 (3) A CONTRACTOR MAY NOT EMPLOY AN ELEVATOR MECHANIC UNLESS
19 THE MECHANIC IS LICENSED BY THE BOARD.

20 (W) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
21 PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A
22 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT TO EXCEED \$100
23 FOR EACH DAY THAT THE VIOLATION CONTINUES OR IMPRISONMENT NOT TO
24 EXCEED 6 MONTHS OR BOTH.

25 (2) ANY PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES ANY
26 PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR, AND ON CONVICTION IS
27 SUBJECT TO A FINE NOT TO EXCEED \$5,000 OR IMPRISONMENT NOT TO EXCEED 6
28 MONTHS OR BOTH.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2001.